

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

COUNTRYWIDE HOME LOANS,

Plaintiff,

v.

KIM D. DOUGLAS,

Defendant.

1:07-cv-93

TO: Nycole A. Thompson, Esq.

**REPORT AND RECOMMENDATIONS REGARDING PLAINTIFF'S
MOTION FOR AWARD OF COSTS AND ATTORNEYS' FEES**

THIS MATTER came before the Court upon Plaintiff's Motion For Award of Costs and Attorneys' Fees (Docket No. 28). Senior District Judge Finch referred the matter to the undersigned for a report and recommendation by Order (Docket No. 29), entered July 31, 2009.

Being thus advised in the premises and upon due consideration thereof, the undersigned proposes the following findings:

1. In the event the Court enters the default judgment as requested, Plaintiff will be the prevailing party in this matter.

2. As the prevailing party, Plaintiff is entitled to an award of attorney's fees and costs, pursuant to V.I. Code Ann. tit. 5 § 541.
3. However, the amount of attorneys' fees requested by Plaintiff is excessive.
4. The Court will reduce the number of hours and corresponding fees charged, specifically, the hours expended:
 - a. edit; organize package for filing charged by Attorney Norkaitis on 10/25/2004 reduced to 0.50 hours;
 - b. research and draft motion to extend time for service charged by Attorney Stone on 10/9/2006 reduced to 2 hours.
 - c. draft proposed order and affirmation of counsel for motion to extend service period; file same charged by Attorney Stone on 10/10/2006 reduced to 1.0 hours;
 - d. continue drafting complaint charged by Attorney Stone on 7/19/2007 reduced to 1.0 hour;
 - e. draft motion for default judgment charged by Attorney Thompson on 12/15/2007 reduced to 0.50 hours;
 - f. review file and draft motion for substitution of counsel; Westlaw research on Federal Practice & Procedure for substitution of parties

when interest transferred during litigation; teleconference with Althea

Pedro of the Recorder of Deeds regarding status of assignment

charged by Attorney Thompson on 8/1/2008 reduced to 2.5 hours;

- g. draft notice to the court charged by Attorney Thompson on 8/8/2008 reduced to 0.50 hours; and

- h. edit affirmation in support of motion for fees and costs charged by Attorney Thompson on 7/8/2009 reduced to 1.0 hours.

Based upon the proposed findings, the undersigned makes the following recommendations:

1. That, in the event the Court grants Plaintiff's motion for default judgment, Plaintiff's Motion For Award of Attorney's Fees and Costs be **GRANTED**.
2. That Defendant be ordered to pay to Plaintiff: \$12,453.31. in attorney's fees charged by Attorney Thompson; \$956.25 in attorney's fees charge by Attorney Norkaitis; \$3,418.75 in attorney's fees charged by Attorney Stone; \$437.50 in fees charge by Carol Hart, and \$652.08 in costs; the total amount of \$17,917.89.

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ENTER:

Dated: August 28, 2009

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.

U.S. MAGISTRATE JUDGE